IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 2423 of 2005
Date of decision : 15.1.2007

Smt. Krishna Devi

.....Petitioner.

Versus

M/s Jagdish Brothers and Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. B.R. Mahajan,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

By way of present revision petition challenge is to the order vide which the application moved by the petitioner for examining Sh. Swaraj Singh along with photographs has been declined primarily on the ground that he was earlier examined.

The learned counsel for the petitioner contends that Sh. Swaraj Singh had accompanied the expert who had examined the building. However, before the expert could be examined in the Court he had died and, thereafter, on an application made by the petitioner new expert was appointed to examine the building and submit his report. It is further the case of the petitioner that new expert also availed the services of Sh. Swaraj Singh Photographer for taking photographs of the building and it was on account of this that the necessity arose to re-examine Sh. Swaraj Singh along with photographs taken by him.

Notice of motion was issued. In spite of service nobody has appeared to oppose the revision.

The contention raised by the learned counsel for the petitioner is liable to be accepted as Sh. Swaraj Singh had accompanied the expert appointed subsequently and, therefore, his examination is necessary to take on record the report submitted by the expert. Accordingly, this revision is allowed, the impugned order is set aside and the petitioner is permitted to examine Sh. Swaraj Singh, Photographer so as to get the photographs taken by him exhibited on record.

15.1.2007. **(VINOD K. SHARMA)**
'sp' **JUDGE**